

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES TAP LIA, CHUOLJOCK)
TAP LIA, NYAPAIN LIA, NYAGAI)
LIA, and NYAWAI TUT,)

4:07CV3104

Plaintiffs,)

v.)

**MEMORANDUM
AND ORDER**

UNKNOWN ASHFORD, Judge,)
BRENDA LEUCK, State Prosecutor,)
and OMAHA POLICE)
DEPARTMENT,)

Defendants.)

This matter is before the court on its own motion. Pursuant to the Prison Litigation Reform Act, an imprisoned civil plaintiff must pay the court's entire filing fee, either at the outset when filing the complaint, or in installments if the court grants leave to proceed in forma pauperis ("IFP"). *In re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001). In this case, Plaintiff was granted leave to proceed IFP on September 19, 2007, and the court assessed an initial partial filing fee in the amount of \$23.00 to be paid by October 19, 2007. (Filing No. 9.)

Plaintiff has not paid the initial partial filing fee. Therefore, the plaintiff shall be required to show cause why this case should not be dismissed. Absent a sufficient response, the case will be subject to dismissal, without prejudice, for failure to pay the initial partial filing fee by the court-ordered deadline.

IT IS THEREFORE ORDERED that:

1. The court assessed an initial partial filing fee of \$23.00 to be paid by Plaintiff no later than October 19, 2007.

2. Plaintiff has not paid the initial partial filing fee. Plaintiff has not requested additional time from this court in which to pay the initial partial filing fee.

3. Plaintiff shall have until December 3, 2007 to show cause why this case should not be dismissed for failure to pay the initial partial filing fee. In the absence of cause shown, this case will be dismissed without prejudice and without further notice.

4. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: December 3, 2007: show cause deadline for failure to pay initial filing fee.

October 30, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge